

**Senate Bill 827 – Juvenile Law – Confinement and
Restrictive Housing - Limitations**

Senate Judicial Proceedings Committee

February 19, 2025

Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of SB 827.

SB 827 severely curtails the use of restrictive housing (solitary confinement) for minors and limits the allowable time in restrictive housing to no longer than six hours. The bill requires that a mental health care provider must conduct a mental health screening of a minor placed in solitary confinement within one hour, and the facility must provide the minor with any needed mental health services. In addition, SB 827 prohibits minors from being held in custody in an adult correctional facility in all cases.

Mental health conditions are prevalent among juvenile offenders. Some estimates suggest that the numbers are as high as 30% with depression or dysthymia, 30% with attention-deficit hyperactivity disorder, 7% with bipolar disorder, and 32% with posttraumatic stress disorder. On top of these mental health conditions, many juvenile offenders also have a conduct disorder or a substance use disorder.¹

Placing youth in restrictive housing causes mental health distress and exacerbates existing mental health conditions. Studies have shown that placing adults in isolation for an extended time causes serious psychological damage, and the negative impact on juveniles is more profound. Solitary confinement can cause both neurological damage as well as psychological damage and can lead to suicide.² Accordingly, President Obama banned the use of solitary confinement for juveniles in the federal prison system.

SB 827 aligns Maryland practices with the resolution adopted by the American Psychological Association regarding the use of restrictive housing for youth. The APA declared that the

¹ Lee Underwood et.al. Mental Illness and Juvenile Offenders. International Journal of Environmental Research and Public Health (2018).

² Minors in custody - Solitary Confinement. Child Crime Prevention and Safety Center.

<https://childsafety.losangelescriminallawyer.pro/minors-in-custody-solitary-confinement.html>

solitary confinement of youth be prohibited except in extremely rare instances, and then only for a short period of time.³

Confining children with adults also can bring about serious psychological problems.⁴ Youth are at a greatly increased risk of sexual assault, trauma, solitary confinement, and suicide. In addition, studies have shown that incarcerating youth in adult facilities is linked to early death in young adulthood. Children who were housed with adults were found to have a 30% increased risk of mortality between the ages 18 -39.⁵

In 2019, Maryland had 76 youth confined to jails, a higher number than 20 of the 33 states that reported their data, including higher than Alabama, Arkansas, Illinois, Missouri, Ohio, and Virginia.⁶

Humane and rehabilitative treatment of juvenile offenders that doesn't cause debilitating damage require both an end to solitary confinement and a prohibition on youth being incarcerated in adult facilities. For these reasons, MHAMD supports SB 827 and urges a favorable report.

³ APA RESOLUTION. Opposing Involuntary Individual Isolation of Youth in Juvenile Justice Settings (February 2024). <https://www.apa.org/about/policy/isolation-youth.pdf>

⁴ Daniel Semenza et. al. Youth Incarceration in Adult Facilities and Mental Health in Early Adulthood. Journal of Adolescent Health (May 2024). [https://www.jahonline.org/article/S1054-139X\(24\)00044-2/fulltext#:~:text=Respondents%20incarcerated%20in%20an%20adult,exhibited%20more%20mental%20health%20symptoms.](https://www.jahonline.org/article/S1054-139X(24)00044-2/fulltext#:~:text=Respondents%20incarcerated%20in%20an%20adult,exhibited%20more%20mental%20health%20symptoms.)

⁵ Elizabeth Barnert et.al. Confining Children in Adult Prisons May Kill Them: New Evidence to Inform Policy Action. Journal of American Medical Association Network Open (July 2023). <https://pmc.ncbi.nlm.nih.gov/articles/PMC10833501/>

⁶ Youth in Adult Courts, Jails, and Prisons. The Sentencing Project. <https://www.sentencingproject.org/app/uploads/2022/09/Youth-in-Adult-Courts-Jails-and-Prisons.pdf>